

\*E-Filed 1/22/14\*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

KEVIN LIPSCOMB,

No. C 13-5744 RS (PR)

Petitioner,

**ORDER OF DISMISSAL**

v.

TIM VIRGA, Warden,

Respondent.

Petitioner has failed to comply with the Court's order to (1) file an application to proceed *in forma pauperis* ("IFP"), or (2) pay the filing fee of \$5.00. Accordingly, the action is DISMISSED without prejudice for failure to respond to the Court's order and for failure to prosecute under Federal Rule of Civil Procedure 41(b). Because this dismissal is without prejudice, petitioner may move to reopen the action. Any motion to reopen **must** contain (1) a complete IFP application, or (2) full payment for the filing fee. The Clerk shall enter judgment in favor of respondent, and close the file.

**IT IS SO ORDERED.**

DATED: January 22, 2014

  
RICHARD SEEBORG  
United States District Judge

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